

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Amendment of Section 73.202(b),)	MM Docket No. 02-15
Table of Allotments,)	RM-10364
FM Broadcast Stations.)	
(Okmulgee and Glenpool, Oklahoma))	

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: July 9, 2003

Released: July 14, 2003

By the Assistant Chief, Audio Division:

1. At the request of Shamrock Communications, Inc. ("Petitioner"), licensee of Station KTSO(FM), Channel 231C1, Okmulgee, Oklahoma, the Audio Division has before it a *Notice of Proposed Rule Making*¹, proposing the reallocation of Channel 231C1 from Okmulgee to Glenpool, Oklahoma, and the modification of Station KTSO(FM)'s license accordingly. Petitioner filed comments in support of the proposal reaffirming its intention to apply for the channel, if reallocated to Glenpool. No other comments were received.

2. The proposed reallocation was filed pursuant to Section 1.420(i) of the Commission's Rules, which permit the modification of a station's authorization to specify a new community of license without affording other interested parties an opportunity to file competing expressions of interest.² As stated in the *Notice*, Glenpool has a 2000 U.S. Census population of 8,123 persons. It has its own post office and zip code. Glenpool has its own city government, including a police department and volunteer fire department. Glenpool also has a school district (Glenpool Public School District), public library, churches, and businesses that identify themselves as part of the community of Glenpool, including "Glenpool Eyecare," "Glenpool Auto Sales," "Glenpool Furniture," "Glenpool Building and Realty," "Glenpool Health Care Center," "Glenpool Chiropractic Clinic," and "Glenpool Flowers and Gifts." Since petitioner did not seek to relocate its transmitter site, a gain and loss area study was not required. We note that the 70 dBu signal of Station WTSO(FM) currently covers more than 70% of the Tulsa Urbanized Area and will continue to do so since a site change is not requested. Therefore, a Tuck analysis is not necessary.³ The 60 dBu contour will provide

¹ *Okmulgee and Glenpool, Oklahoma*, 17 FCC Rcd 1666 (2002)

² See *Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License*, 4 FCC Rcd 4870 (1989), *recon. granted in part*, 5 FCC Rcd 7094 (1990) ("*Change of Community*").

³ See *Headland, Alabama and Chattahoochee, Florida*, 10 FCC Rcd 10352 (1995); *Huntington Broadcasting Co. v.*

coverage to 15,422 square kilometers encompassing a population of 817,255 persons. Moreover, Okmulgee (population 13,022) has more than five reception services and is considered to be well-served.

3. We believe the public interest would be served by reallocating Channel 231C1 to Glenpool, Oklahoma, since it would provide the community with its first local aural transmission service, without depriving Okmulgee of its sole local service.⁴ An engineering analysis has determined that Channel 231C1 can be reallocated to Glenpool without the imposition of site restriction of petitioner's presently authorized site.⁵ In accordance with Section 1.240(i), we modify Station KTSO(FM)'s license to specify operation on Channel 231C1 at Glenpool, Oklahoma, as its new community of license.

4. Accordingly, pursuant to the authority found in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective, August 28, 2003, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED, with respect to the communities listed below, to read as follows:

<u>City</u>	<u>Channel No.</u>
Okmulgee, Oklahoma	----
Glenpool, Oklahoma	231C1

5. IT IS FURTHER ORDERED, pursuant to Section 316(a) of the Communications Act of 1934, as amended, that the license of Shamrock Communications, Inc., Station KTSO(FM), Okmulgee, Oklahoma, IS MODIFIED to specify operation on Channel 231C1 at Glenpool, Oklahoma, subject to the following conditions:

- (a) Within 90 days of the effective date of this Order, the licensee shall submit to the Commission a minor change application for a construction permit (Form 301), specifying the new facility.
- (b) Upon grant of the construction permit, program tests may be conducted in accordance with Section 73.1620.
- (c) Nothing contained herein shall be construed to authorize a change in transmitter location or to avoid the necessity of filing an environmental assessment pursuant to Section 1.1307 of the Commission's Rules.

FCC, 192 F.2d 33 (D.C. Cir. 1951); *RKO General, Inc.*, 5 FCC Rcd 3222 (1990); and *Faye and Richard Tuck*, 3 FCC Rcd 5374 (1988).

⁴ Station KOKL(AM) would remain licensed to the community.

⁵The coordinates for Channel 231C1 at Glenpool are 35-50-02 North Latitude and 96-07-28 West Longitude.

6. Pursuant to Commission Rule Section 1.1104(1)(k) and (2)(k), any party seeking a change of community of license of an FM or television allotment or an upgrade of an existing FM allotment, if the request is granted, must submit a rule making fee when filing its application to implement the change in community of license and/or upgrade. As a result of this proceeding, Shamrock Communications, Inc, licensee of Station KTSO(FM), is required to submit a rule making fee addition to the fee required for the application to effect the change in community of license.

7. IT IS FURTHER ORDERED, That the Secretary shall send a copy of this Report and Order by Certified Mail, Return Receipt Requested, to the following:

Shamrock Communications, Inc.
149 Pennsylvania Avenue
Scranton, Pennsylvania 18503
(Licensee of Station KTSO(FM))

8. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

9. For further information concerning this proceeding, contact Sharon P. McDonald, Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief, Audio Division
Media Bureau